

### **APPLICANTS' SPECIES ELECTION**

For the purpose of satisfying the election requirement, Applicant elects Species III as represented by FIGS. 5A and 5B\*. A listing of claims believed to be readable on the elected species is as follows:

**Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20**

The Applicant makes this election without traverse.

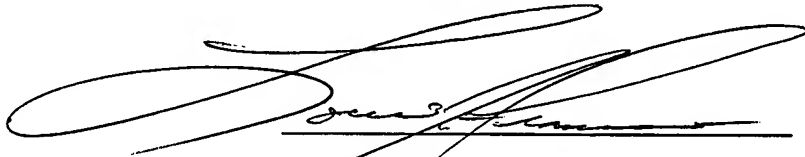
### **\*IMPORTANT NOTE REGARDING SPECIES AS DEPICTED BY ILLUSTRATIVE EMBODIMENTS IN DRAWINGS**

The Examiner identified FIGS. 5A and 5B as being patentably distinct species from those represented in 4A and 4B and 4C and 4D. Applicant respectfully points out that FIGS. 5A and 5B represent nothing more than alternative configurations for the swingbolt catch **250** as viewed into the plane  $V_A$  of FIG. 5 and that, therefore, FIG. 5 is also appropriately included as part of that species disclosed in FIGS. 5A and 5B. Moreover, and perhaps more importantly, while the species identified by the Examiner as Species I, II, and III as represented in, respectively, FIGS. 4A and 4B; 4C and 4D and 5A and 5B, may contain features or configurations representing patentable distinctions from one another, it is the Applicants' Attorney's considered opinion, and respectful submission, that none of the claims currently in the case includes limitations reading upon any such distinctions in configuration among the identified species. Accordingly, while all 20 claims read upon that species represented in FIGS. 5, 5A and 5B, we submit that all 20 current claims also read upon the configurations represented by FIGS. 4A and 4B and 4C and 4D. By analogy, the situation is as if a claim stated "a first frame member retained in fixed relationship to a second frame member by at least one fastener," and the specification included references to three drawings: a first showing the at least one fastener as a nail; a second showing the at least one fastener as a bolt; and a third showing the at least one fastener as a screw. Even if the three hypothetical drawings in the analogy are taken to represent three patentably distinct

species, the fact remains the hypothetical claim reads on all three because it generically claims "fastener." It is likewise as to the alternatively configured hook catches **140** of FIGS. 4A and 4B; 4C and 4D and 5A and 5B. Nothing in any of the current claims addresses the specifics of these alternative configurations for the hook catches. The important element common to all of these hook catches is the interior surface adapted for engaging the first surface of the swingbolt catch; in FIG. 4A, the interior surface is numbered **148**, in FIGS. 4C and 4D, it is numbered **158**, and, in FIGS 5A and 5B, it is numbered **144**.

The Examiner has noted, quite correctly, that independent claims 1, 8 and 15 are generic. Applicants' Attorney further submits that, at least as to whatever patentably distinct features may exist among the identified species I, II and III, each dependent claim is also generic because none includes limitations addressing the specific configuration of the hook catch which is precisely where the only material differences among the identified species reside.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis J. Franco", is written over a horizontal line.

Louis J. Franco  
USPTO Registration No.: 38,885  
Attorney for Applicant  
Law Office of Louis J. Franco - Lunenburg  
250 Arbor Street  
Lunenburg, Massachusetts 01462  
Phone: (978) 582-5550  
Fax: (978) 582-9022

*37 C.F.R. 1.8 CERTIFICATE OF MAILING ON FOLLOWING PAGE*

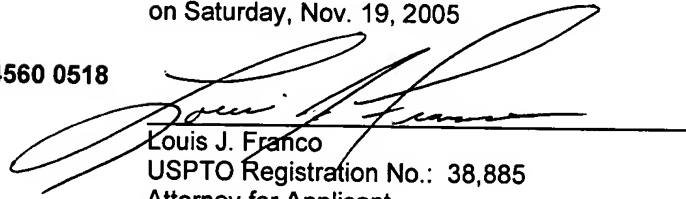
# **CERTIFICATE OF MAILING**

I hereby certify in accordance with 37 CFR 1.8 that this correspondence\* is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on Saturday, Nov. 19, 2005

**Certified Mail Article #: 7004 2510 0000 4560 0518**



Louis J. Franco  
USPTO Registration No.: 38,885  
Attorney for Applicant  
Date of this Signature: Nov. 19, 2005

Atty Docket No. 2003-801.nonprov

\*The correspondence covered by this Certificate of Mailing includes all four pages of this response plus the petition and fee for one-month extension